

**Notice of Allowability****Application No.**

10/564,190

**Examiner**

NEIL TURK

**Applicant(s)**

HORN ET AL.

**Art Unit**

1797

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Remarks filed on April 26<sup>th</sup>, 2007 and discussions held on July 2<sup>nd</sup>, 2010.
2. ☒ The allowed claim(s) is/are 1 and 3-10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20100510.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other the drawings filed on 3/24/10 are accepted.



## **DETAILED ACTION**

### **Remarks**

This Office Action fully acknowledges Applicant's remarks filed on March 24<sup>th</sup>, 2010. Claims 1 and 3-10 are allowed. Claims 2 and 11-19 have been cancelled.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 26<sup>th</sup>, 2010 has been entered.

### **Interview Summary**

On July 2<sup>nd</sup>, 2010, Examiner and Applicant's representative, Beverly Lyman, held an interview initiated by the Examiner. Examiner discussed amending claims 1, 8, and 10 to include the limitations of claim 2 so as to place the claims in condition for allowance. Prior art to Cooper was noted as being applicable to the current invention, but failed to disclose that the interior region has no open pores, as recited in claim 2. Examiner also proposed removing the phrase "...and mixtures thereof" from claim 3 for purposes of clarity. Applicant's representative agreed to the proposed amendments and

Examiner asserted that the amendments would be made by way of an Examiner's Amendment.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Beverly Lyman on July 2<sup>nd</sup>, 2010.

The application has been amended as follows:

Claim 1.(currently amended)      An apparatus comprising:

an integral molded part of a plastic material for the analysis and preparation of substances, the apparatus having at least one surface region and an interior region, wherein the molded part consists of one chemically unitary starting material, and wherein said at least one surface region is an open-pore three dimensional network, and wherein said interior region has no open pores.

Claim 2 is cancelled.

Claim 3.(currently amended)      The apparatus according to claim 1 ~~or claim 2~~, wherein said plastic material is selected from the group consisting of polyamides, polysulfones, polyesters, polycarbonates, and ~~as copolymers and mixtures thereof~~.

Claim 8.(currently amended)      A process for the preparation of an integral molded part of a plastic material, wherein the molded part consists of one chemically unitary starting material, and the molded part having at least one surface region and an interior region, the process comprising: partially dissolving the plastic material on at least a part of the at least one surface region to form an open-pore surface region which is a three-dimensional network, and wherein said interior region has no open pores.

Claim 10.(currently amended)      An integral molded part of a plastic material having at least one surface region and having an interior region, the surface region obtainable by a process comprising: partially dissolving the plastic material on at least a part of the at least one surface region to form an open-pore surface region which is a three-dimensional network, and wherein said interior region has no open pores.

***Allowable Subject Matter***

**Claims 1 and 3-10** are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or fairly suggest an apparatus as recited in claim 1, which includes a molded plastic part consisting of one chemically unitary starting material and wherein the at least one surface region is an open-pore three dimensional network, and wherein the interior region has no open pores. Likewise, the prior art of record fails to teach or fairly suggest a process for the preparation of an integral molded part of a plastic material as recited in claim 8, which includes partially dissolving the plastic material on at least a part of the at least one surface region to form an open-pore surface region which is a three-dimensional network, and wherein said interior region has no open pores. Additionally, the prior art of record fails to teach or fairly suggest an integral molded part of a plastic material, as recited in claim 10, in which the surface region is obtainable by a process comprising: partially dissolving the plastic material on at least a part of the at least one surface region to form an open-pore surface region which is a three-dimensional network, and wherein said interior region has no open pores.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's arguments, see page , filed March 24<sup>th</sup>, 2010, with respect to the objection to the drawings, rejection of claims 14-16, 18, and 19 under 35 USC 112, 2nd paragraph, and rejection of claims 1-10, 14, and 19 under 35 USC 102(b) have been fully considered and are persuasive. The objection to the drawings and the rejections of claims 1-10, 14-16, 18, and 19 have been withdrawn in view of Applicant's amendments to the drawings and claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cooper et al. (USPN 7,153,572) is relevant to Applicant's invention as Cooper et al. teach porous beads consisting of a chemically unitary starting material that include an open pore three-dimensional network in a surface region (pores also reside in the interior region, contrary to the claimed invention).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEIL TURK whose telephone number is (571)272-8914. The examiner can normally be reached on M-F, 9-630.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NT                   /Jill Warden/  
Supervisory Patent Examiner, Art Unit 1797